

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

November 24, 2020

Christopher M. Wolpert
Clerk of Court

PERRY CLINE, on behalf of himself and
all others similarly situated,

Plaintiff - Appellee,

v.

SUNOCO PARTNERS MARKETING &
TERMINALS L.P., et al.,

Defendants - Appellants.

No. 20-7064
(D.C. No. 6:17-CV-00313-JAG)
(E.D. Okla.)

ORDER

This matter is before the court upon review of the district court's docket. On September 24, 2020, Sunoco filed a motion for new trial and a motion to alter or amend judgment (Dist. Ct. Docket Nos. 322, 323), which remain pending. It appears that these motions may have been timely filed, which would toll the time to appeal from the judgment. Fed. R. App. P. 4(a)(4)(A)(iv) and (v). Accordingly, in the interest of judicial efficiency, proceedings in this appeal are ABATED.

The notice of appeal will become effective when the district court enters an order deciding the pending motions. *See* Fed. R. App. P. 4(a)(4)(B)(i); *see also id.* 4(a)(4)(B)(ii) and *Breeden v. ABF Freight Sys., Inc.*, 115 F.3d 749, 752 (10th Cir. 1997). Sunoco shall notify this court by filing a status report within five (5) days after the district

court decides the pending motion. Sunoco shall attach a copy of the district court's order to the status report.

Also within five (5) days after the district court enters its order deciding the pending motion, we direct the clerk of the district court to transmit to this court a supplemental preliminary appellate record including the order and an updated docket sheet. *See* 10th Cir. R. 3.2(B).

If the district court has not decided the pending motion within 30 days after entry of this order, Sunoco shall file a status report in this court to advise what events have occurred toward resolution of the pending motion, even if nothing new has happened.

The parties will receive additional direction following the occurrence of one of the events described above.

Entered for the Court
CHRISTOPHER M. WOLPERT, Clerk



By: Olenka M. George
Counsel to the Clerk